



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,206	05/09/2001	Bruce A. Olsen	11621/53970	3871

26869 7590 07/16/2003

DEVINE, MILLIMET & BRANCH, P.A.
111 AMHERST STREET
BOX 719
MANCHESTER, NH 03105

EXAMINER

HARRISON, CHANTE E

ART UNIT	PAPER NUMBER
----------	--------------

2672

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,206

Applicant(s)

OLSEN, BRUCE A.

Examiner

Chante Harrison

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-11 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 5 and 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 7, 9-11 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Jason Braatz et al., U.S Patent Publication 2002/0120728 A1, 8/2002.

As per independent claim 1, Braatz discloses recording trip data (i.e. speed/odometer reading) periodically (pp. 5, Para 68, pp. 6, Para 87; pp. 10, Para 142) and time stamping each periodic recording (pp. 10, Para 142); recording geographic position periodically (pp. 5 Para 73; pp. 10, Para 142) and time stamping each recording (pp. 6, Para 85); saving the time stamped trip data and geographic position in a database (pp. 5, Para 73; pp. 6, Para 87; pp. 10, Para 139); and graphically displaying the recorded trip data and the recorded geographic position as a function of time, from the database (pp. 3, Para 33; Fig. 9; pp. 10, Para 142).

As per dependent claims 2 and 10, Braatz discloses choosing an instant in time causes corresponding recorded trip data and recorded geographic position to be displayed (pp. 10, Para 141-142). It is inherent that Braatz teaches choosing an instant

in time causes corresponding recorded trip data and recorded geographic position to be displayed as he discloses tracking the location of a vehicle at multiple instances (i.e. times) and the tracking application interface displaying corresponding vehicle data (i.e. position and speed/trip data) upon user selection of a vehicle position at an instance in time.

As per dependent claims 3 and 11, Braatz discloses choosing a geographic position causes temporally corresponding recorded trip data to be displayed (pp. 10, Para 141).

As per dependent claims 7 and 15, Braatz discloses recording geographic position periodically (pp. 10, Para 42) in terms of latitude and longitude (pp. 3, Para 35); and plotting the geographic position on a map containing latitude and longitude information (pp. 10, Para 142; Fig. 8).

As per independent claim 9, Braatz discloses a recording means (pp. 3, Para 34), a time stamping means (pp. 5, Para 73; pp. 10, Para 142), a database means (pp. 5, Para 76); and a graphical display means (Fig. 2). Independent claim 9 claims a system for implementing the method as claimed in independent claim 1. Therefore the rationale as applied in the rejection of claim 1 applies herein.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4, 6, 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jason Braatz et al., U.S Patent Publication 2002/0120728 A1, 8/2002.

As per dependent claim 4, Braatz discloses predetermining trip events (i.e. check-in/out)(pp. 6, Para 87); electronically monitoring trip data (pp. 6, Para 88); recording trip data (i.e. odometer reading) and geographic position when trip data indicates a trip event is occurring (i.e. reporting data upon check-in/out)(pp. 6, Para 87; and transmitting the recorded trip data and geographic position to the database (pp. 5, Para 76). Braatz fails to disclose thereby recording data for the event rather than waiting for a next period of one of the periodic recordings to initiate recording. It would have been obvious to one of skill in the art to incorporate recording data for the event rather than waiting for a next period of one of the periodic recordings to initiate recording with the disclosure of Braatz because Braatz teaches monitoring vehicle usage in (pp. 5, Para 76) where monitoring and tracking is done at instances as the vehicle position changes (pp. 10, Para 142) as well as monitoring and tracking vehicle speed and position upon the initial or final usage (i.e. check-in/out) (pp. 6, Para 87-88).

As per dependent claim 6, Braatz fails to disclose graphically displaying only the event trip data. It would have been obvious to one of skill in the art to include graphically displaying only the event trip data in the disclosure of Braatz because Braatz teaches extracting trip data from recorded position data of a mobile asset (pp. 10, Para 142) and displaying data relevant to an asset upon user input (pp. 10, Para 141).

As per dependent claims 8 and 16, Braatz fails to disclose the periodic recording of trip data is based on a periodic interval of time and the periodic recording of geographic position is based on a periodic interval of distance. It would have been obvious to one of skill in the art to incorporate the periodic recording of trip data is based on a periodic interval of time and the periodic recording of geographic position is based on a periodic interval of distance in the disclosure of Braatz because he teaches recording speed (i.e. trip data) and position as a function of time and space (pp. 10, Para 142).

4. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jason Braatz et al., U.S Patent Publication 2002/0120728 A1, 8/2002 and further in view of Norbert Lais, U.S. Patent 5,936,315, 8/1999.

As per independent 17, Braatz discloses a speedometer (i.e. odometer) (pp. 6, Para 87); a trip data recording device for periodically recording speedometer and

Art Unit: 2672

Tachometer (i.e. fuel gauges) readings with a time stamp for each reading (pp. 5, Para 68, pp. 6, Para 87; pp. 10, Para 142); a global positioning device (pp. 3, Para 34); a position recording device for periodically recording output from the global positioning device with a time stamp for each periodic recording (pp. 5 Para 73; pp. 6, Para 85; pp. 10, Para 142); a database for storing recorded data and positions (pp. 5, Para 73; pp. 6, Para 87; pp. 10, Para 139); a graphic display device for displaying the trip data and position, from the recorded trip data and recorded positions stored in the database, as a function of time (pp. 3, Para 33; Fig. 9; pp. 10, Para 142). Braatz fails to disclose a tachometer, which Lais discloses (col. 1, ll. 8-10, 14-25). It would have been obvious to one of skill in the art to incorporate Lais' tachometer with the disclosure of Braatz because Braatz teaches a system capable of monitoring electronic devices (pp. 1, Para 13) through network enablement, which he uses to measure and transmit speed dependent data (i.e. fuel gauges) (pp. 6, Para 87) as does a tachometer.

As per dependent claim 18, Braatz in view of Lais discloses choosing a geographic position causes temporally corresponding recorded trip data to be displayed (pp. 10, Para 141).

5. Claims 5 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

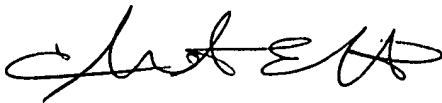
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chante Harrison whose telephone number is 703-305-3937. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on 703-305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6606 for regular communications and 703-305-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Chante Harrison
Examiner
Art Unit 2672

ch
July 13, 2003

A handwritten signature in black ink, appearing to read 'Chante Harrison', is located at the bottom left of the page.